

Appl. No.: 10/814,820
Amendment dated May 19, 2006
Reply to Office Action of February 24, 2006

Amendments to the Drawings:

The attached sheets of drawings include new Figure 5. This sheet has been appended to original sheets 1-4 (Figures 1-4).

Attachment: New Sheet (5/5)

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REMARKS/ARGUMENTS

In view of the following remarks, reexamination and reconsideration of this application, withdrawal of the rejections, and formal notification of the allowability of all claims as presented are earnestly solicited. Claims 1-10 are pending. In response to the Office Action, portions of the specification and independent Claim 1 have been amended and new Figure 5 has been added. The newly added recitations find support throughout the Specification and the Drawings, and no new matter has been added. It is believed that the pending claims define patentable subject matter over the references cited by the Examiner and notice to such effect is requested at the Examiner's earliest opportunity.

Drawing Objections

The Office Action indicates that the drawings are objected to for failing to show the recited elements of Claims 5 and 8. In response, new Figure 5 is submitted herein to show an axial cross-section of one embodiment of the splitter device showing "a non-contiguous ring (24) defining an angular gap (51)." The various elements shown in new Figure 5 find support throughout the specification such as, for example, at page 8, lines 3-8, lines 16-18, and lines 24-27. Accordingly, no new matter has been added. Furthermore, the "threaded radially-outward surface" of the collar (24) recited in Claim 8 is shown, for example, in the as-filed Figure 4 (see element (24)) and finds support in the specification such as, for example, at page 8, lines 24-27. Accordingly, it is believed that the new Figure 5 presented herein, and the as-filed Figure 4, serve to overcome the pending drawing objections.

Specification Objections

The Office Action indicates that the specification is objected to because of several informalties. In response, pages 1 and 2 of the as-filed specification have been amended as suggested by the Examiner. Accordingly, it is believed that the amendments to the specification presented herein serve to overcome the pending objections to the specification without adding new matter.

Appl. No.: 10/814,820
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Rejections under 35 U.S.C. §112

The Office Action also indicates that Claims 5 and 8-10 are rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description and enablement requirements. In response, Applicant respectfully submits that the recitations of Claims 5 find adequate support in new Figure 5 and throughout the as-filed specification such as, for example, at page 8, lines 3-8. Furthermore, Applicant respectfully submits that the recitations of Claims 8-10 find adequate support in new Figure 5 (see elements (21/23)), as-filed Figure 4 (see the threaded surface of element (24)), and throughout the as-filed specification (such as, for example, at page 8, lines 16-18 and lines 24-27). Accordingly, it is believed that the figures and portions of the as-filed specification highlighted herein serve to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. Thus, Applicant respectfully requests that Examiner withdraw the pending claim rejections of Claims 5 and 8-10 under 35 U.S.C. §112, second paragraph.

Rejections under 35 U.S.C. §102(b)

The Office Action indicates that Claims 1-4 and 6 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,236,366 to Chapman *et al.* ("Chapman"). In response, independent Claim 1 has been amended to recite "that the second cutting blade can be adjusted to maintain a cutting position adjacent to the first cutting blade and in a fixed spaced relation from the first cutting blade so as to compensate for blade wear." The new recitations find support throughout the as-filed specification such as, for example, at page 3, lines 23-25. Accordingly, no new matter has been added.

The Office Action states that Chapman discloses a "second cutting blade being axially movable relative to the second rotatable shaft such that the second cutting blade can be adjusted to maintain a cutting position adjacent to the first cutting blade so as to compensate for blade wear." However, Chapman also discloses that the disk 31 is held resiliently against disk 28 by springs 36 located between the hub 32 of the disk 31 and an adjustment collar. See Chapman at column 3, lines 17-19. Thus, Chapman teaches away from maintaining a precise a cutting position (of the second cutting blade) adjacent to the first cutting blade and in a fixed spaced relation from the first cutting blade, as specifically recited in amended independent Claim 1.

Appl. No.: 10/814,820
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Applicant thus submits, for at least the reasons stated above, that Claim 1 is not anticipated by Chapman, and therefore Claim 1, as well as Claims 3-4 and 6, which depend therefrom, are patentable over Chapman.

Rejections under 35 U.S.C. §103

The Examiner has also rejected Claim 7 as being obvious over Chapman in view of U.S. Patent No. 1,856,433 to Schillo ("Schillo"). Applicant submits that Claim 7 is patentable over the combination of Chapman and Schillo for at least the reasons cited above with respect to the rejection of Claims 1-4 and 6, as Claim 7 depends from, and include all the limitations of amended Claim 1. Specifically, neither Chapman nor Schillo, alone or in combination, teach or suggest the maintenance of a fixed spaced relation between adjacent blades as recited in amended Claim 1, and Claim 7 depending therefrom.

Applicant thus submit, for at least the reasons stated above, that neither Chapman nor Schillo, alone or in combination, teach or suggest the recitations of Claim 7. Therefore, Applicants submit that Claim 7 is patentable over Chapman in view of Schillo.

CONCLUSION

In conclusion, Chapman and Schillo, alone or in combination, do not teach, suggest, or provide motivation for the embodiments of the present invention as now claimed in Claims 1, 6 and the claims depending therefrom. Accordingly, in view of the above differences between the Applicants' invention and the cited references, the Applicants submit that the present invention, as defined by the pending claims, is patentable over the references cited in the Office Action. As such, for the reasons set forth above, Claims 1, 3-6 and 8-10 are believed to be in condition for immediate allowance and notice to such effect is respectfully requested at the Examiner's earliest opportunity.

Appl. No.: 10/814,820
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It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR §1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (571) 273-8300 on the date shown below.

Rebecca Kerney
Rebecca Kerney

5/19/06
Date